

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. Q-10.

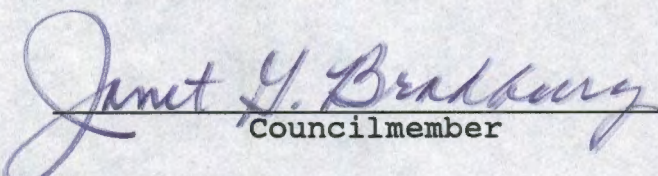
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is  
hereby designated a P.O.D. (Professional Office) District  
under the terms of Chapter 33 of the Code of the City of  
Fort Wayne, Indiana of 1974:

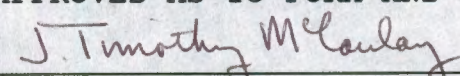
Part of the Northeast Quarter of Section 6, Township 30  
North, Range 13 East, in Allen County, Indiana, more  
particularly described as follows: Beginning at a  
point on the North line of the Northeast Quarter of  
Section 6, Township 30 North, Range 13 East, in Allen  
County, Indiana, said point being 431.64 feet (6.54  
chains) East of the Northwest corner of the NE 1/4 of  
Sec. 6-30-13; thence East along the North line of the  
NE 1/4 of Sec. 6-30-13 a distance 227.7 feet (3.45  
chains); thence South with a deflection angle to the  
right of 90 degr. 33 min. a distance of 594 feet;  
thence West with a deflection angle to the right of 89  
degr. 27 min. and parallel to the North line of the NE  
1/4 a distance of 227.7 feet; thence North with a  
deflection angle to the right of 90 degr. 33 min. a  
distance of 594 feet to the point of beginning,  
containing 3.1 acres and subject to road rights of way  
and easements. "Certificate of Survey, John R.  
Donovan, April 22, 1983. Property transferred to  
Applicant on May 5, 1983 from Estate of Richard J.  
Long. Original deed of Richard J. Long filed a Deed  
Book 486, page 61."

and the symbols of the City of Fort Wayne Zoning Map No.  
Q-10, as established by Section 11 of Chapter 33 of the Code  
of the City of Fort Wayne, Indiana are hereby changed  
accordingly.

SECTION 2. That this Ordinance shall be in full force  
and effect from and after its passage and approval by the  
Mayor.

  
Councilmember

APPROVED AS TO FORM AND LEGALITY:

  
J. TIMOTHY MCCAULAY, CITY ATTORNEY



Read the first time in full and on motion by Bradbury,  
seconded by Stier, and duly adopted, read the second time by  
title and referred to the Committee on Regulations (and the  
City Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Conference Room 128, City-County Building,  
Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day  
of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATE: 1-26-88

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury,  
seconded by Stier, and duly adopted, placed on its  
passage. PASSED ~~POST~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT</u>
TOTAL VOTES	<u>8</u>	_____	_____	<u>1</u>	<u>7</u>
BRADBURY	<u>✓</u>	_____	_____	_____	_____
BURNS	<u>✓</u>	_____	_____	_____	_____
GiaQUINTA	<u>✓</u>	_____	_____	_____	_____
HENRY	<u>✓</u>	_____	_____	_____	_____
LONG	<u>✓</u>	_____	_____	_____	_____
REDD	<u>✓</u>	_____	_____	_____	_____
SCHMIDT	_____	_____	_____	<u>✓</u>	_____
STIER	<u>✓</u>	_____	_____	_____	_____
TALARICO	<u>✓</u>	_____	_____	_____	_____

DATE: 2-23-88

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort  
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 3-03-88

on the 23rd day of February, 1988,

ATTEST:

SEAL

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Thomas P. Henry  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,  
on the 24th day of February, 1988,  
at the hour of 11:00 o'clock 9 .M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 24th day of February,  
1988, at the hour of 2:00 o'clock P .M., E.S.T.

Paul Helmke  
PAUL HELMKE, MAYOR

RECEIPT

No 2753

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 12-17 1987

RECEIVED FROM Baron Borenstein \$ 50.00

THE SUM OF fifty 0 100 DOLLARS

ON ACCOUNT OF Rezone - 2606 Lake

frp.  
AUTHORIZED SIGNATURE



RECEIPT NO. \_\_\_\_\_

THIS IS TO BE FILED IN DUPLICATE

DATE FILED \_\_\_\_\_

INTENDED USE \_\_\_\_\_

I/We Jennie Huber and Edward F. Long - Richard J. Long  
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-1 District to a/an P.O.D. District the property described as follows:

Part of the Northeast Quarter of Section 6, Township 30 North, Range 13 East, in Allen County, Indiana, more particularly described as follows: Beginning at a point on the North line of the Northeast Quarter of Section 6, Township 30 North, Range 13 East, in Allen County, Indiana, said point being 431.64 feet (6.54 chains) East of the Northwest corner of the NE $\frac{1}{4}$  of Sec. 6-30-13; thence East along the North line of the NE $\frac{1}{4}$  of Sec. 6-30-13 a distance of 227.7 feet (3.45 chains); thence South with a deflection angle to  
(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 2606 Lake Avenue, Fort Wayne, IN 46815

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

<u>Jennie Huber</u>	<u>2016 LaKenne Ave.</u>	_____
<u>Edward F. Long</u>	<u>4537 Lake Ave.</u>	_____
<u>RICHARD J. LONG</u>	<u>2606 LAKE AVE.</u>	_____
(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_  
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

<u>Violette W. Wyson</u>	<u>124 East Rush Street</u>	<u>(219) 347-1880</u>
<u>ROWE, LAUR &amp; SPINDLER</u>	<u>Kendallville, IN 46755</u>	<u>(Telephone Number)</u>
(Name)	(Address & Zip Code)	

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.



Legal Description of property to be rezoned.

the right of 90 degr. 33 min. a distance of 594 feet; thence West with a deflection angle to the right of 89 degr. 27 min. and parallel to the North line of the NE¼ a distance of 227.7 feet; thence North with a deflection angle to the right of 90 degr. 33 min. a distance of 594 feet to the point of beginning, containing 3.1 acres and subject to road rights of way and easements. "Certificate of Survey, John R. Donovan, April 22, 1983. Property transferred to Applicant on May 5, 1983 from Estate of Richard J. Long. Original deed of Richard J. Long filed at Deed Book 486, page 61."

Owners of Property

Jennie M. Huber	2016 Laverne Av	Jennie M. Huber
Edward F. Long	RR #2 Box 164	Edward F. Long
	Gremont, In.	
Richard J. Long	2606 Lake Avenue	Richard J. Long
(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on January 26, 1988 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-88-01-21; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on January 25, 1988.

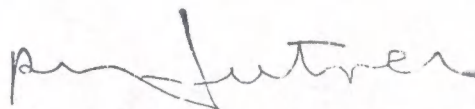
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held February 1, 1988.

Certified and signed this  
2nd day of February 1988.



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Robert Hutner  
Secretary



ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE 2606 Lake Avenue

7-88-01-21

EFFECT OF PASSAGE Property is presently zoned R-1 - Single Family

Residential. Property will become P O D - Professional Office District.

EFFECT OF NON-PASSAGE Property will remain R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE (J.N.) \_\_\_\_\_

# FACT SHEET

Z-88-01-21

BILL NUMBER

## Division of Community Development & Planning

**BRIEF TITLE**

Zoning Ordinance Amendment

**APPROVAL DEADLINE****REASON**

From R-1 to POD

**DETAILS****Specific Location and/or Address**

2606 Lake Avenue

**Reason for Project**

Professional Office Development

**Discussion (Including relationship to other Council actions)**25 January 1988 - Public Hearing

Steven Spindler, Attorney representing Dr. Borenstein, who has an option to purchase the property appeared before the Commission. Mr. Spindler stated that the Dr. Borenstein wanted to construct a building to house his practice of plastic surgery. He stated that the staff apparently approved of the use.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

2 February 1988 - Business Meeting

Motion was made by Yvonne Stam to return the ordinance to the Common Council with a DO PASS recommendation, motion carried.

Of the eight member present seven (6) voted in favor of the recommendation two (2) members abstained.

NOTE: A preliminary development plan has been conditionally approved for this property by the Plan Commission.

**POSITIONS****RECOMMENDATIONS****Sponsor**

City Plan Commission

**Area Affected**

City Wide

Other Areas

**Applicants/  
Proponents****Applicant(s)**Jennie Huber / Richard Long/  
Edward Long  
City Department

Other

**Opponents**

Groups or Individuals

Basis of Opposition

**Staff  
Recommendation**☒ For ☐ Against

Reason Against

**Board or  
Commission  
Recommendation****By**☒ For ☐ Against  
☐ No Action Taken☐ For with revisions to conditions  
(See Details column for conditions)**CITY COUNCIL  
ACTIONS  
(For Council  
use only)**☐ Pass ☐ Other  
☐ Pass (as amended) ☐ Hold  
☐ Council Sub. ☐ Do not pass



**DETAILS**

**POLICY/PROGRAM IMPACT**

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

**Project Start**

**Date** 16 December 1987

**Projected Completion or Occupancy**

**Date** 2 February 1988

**Fact Sheet Prepared by**

Patricia Biancaniello

**Date** 2 February 1988

**Reviewed by**

*Greg Bacter*  
Reference or Case Number

**Date**

*February 8, 1988*



BILL NO. Z-88-01-21

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) <sup>XXXXXXXXXX</sup>(~~RESOLUTION~~) amending the City of  
Fort Wayne Zoning Map No. Q-10

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (~~RESOLUTION~~) Do Pass

YES

NO

*Janet G. Bradbury*

JANET G. BRADBURY

CHAIRPERSON

MARK E. GIAQUINTA

VICE CHAIRMAN

CHARLES B. REDD

DAVID C. LONG

PAUL M. BURNS

CONCURRED IN 2-23-88.

*Sandra E. Kennedy*  
Sandra E. Kennedy  
City Clerk

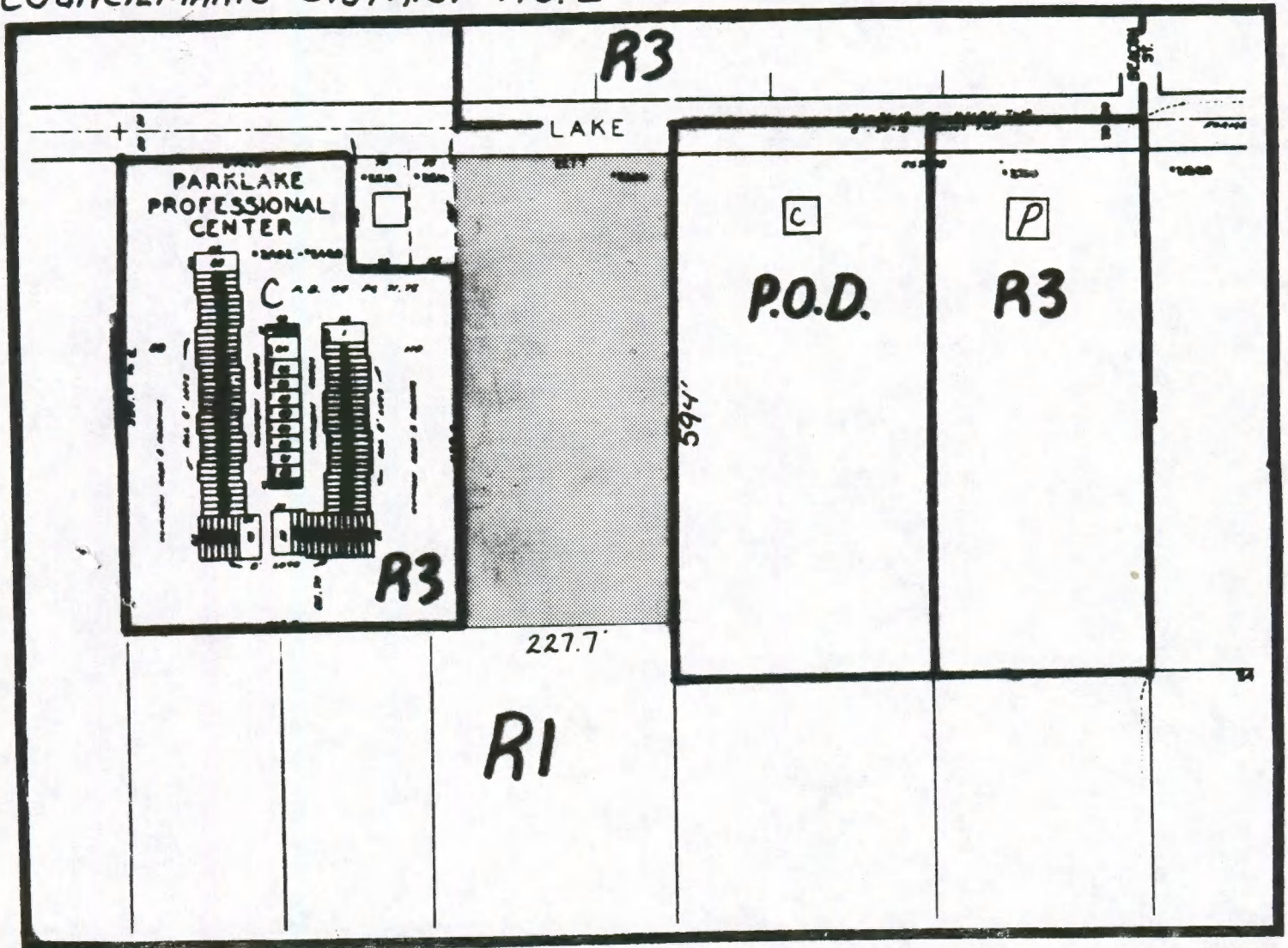


# REZONING PETITION #322

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A R-1 DISTRICT TO A P.O.D. DISTRICT.

MAP NO. Q-10

COUNCILMANIC DISTRICT NO. 2



## ZONING:

R1 RESIDENTIAL DISTRICT  
R3 RESIDENTIAL DISTRICT  
P.O.D. PROFESSIONAL OFFICE DISTRICT

## LAND USE:

☐ SINGLE FAMILY  
☒ COMMERCIAL  
☒ PUBLIC WATER TREATMENT PLANT

SCALE: 1"=200'

DATE: 1.4.88

